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SPEECH
OF
HON. HUMPHREY MARSHALL,
OF KENTUCKY,
IN THE HOUSE OF REPRESENTATIVES,

JANUARY 19, 1859.

Mr. Chairman, when the member from Maine, who sits on my right, [Mr. WASHBURN,] finished his speech, a few days since, upon the mission and duty of the Republican party, I tried to obtain the floor to *improvise* a reply to it. Failing in that effort, I have waited the publication of the speech, and have given it an attentive perusal. It is a *representative speech*. It assumes a tone of suggestive advice, which denotes at once the solicitude of the councillor and the reserved authority of the commander. Replete with promises of rewards to the faithful and of penalties to the disobedient, the very style of that speech asserts the prerogative of leadership, and discards the equality of fellowship. It was written out in advance of its delivery, and was merely read here *pro forma*. It was meant for the country. It was pronounced with a deliberateness and precision of emphasis which made its general tone authoritative; indeed, the member spoke *ex cathedra*. His frequent use of the terms "oligarchy" and "oligarchic" served a different purpose than merely to string together unusual words; they pointed out the connection of this speech with one delivered at Auburn, somewhat more than a year since, by a distinguished leader of the Republican party, who represents the State of New York in the other wing of the Capitol. Both are minerals from the same mine; particles of the same system; music from two instruments, but composed by the same master; emanations from one intellect, only diversified in the effectiveness of the production, by being published through different channels.

Though the principle enunciated has been expressed heretofore, its repetition now, by the member from Maine, serves to prove that his speech is a representative speech, duly studied and prepared; and that it was intended as the bugle note from certain leaders of the Republican party, summoning the people of the free States to another sectional effort in the next Presidential election, to be made under the auspices of extremists, who essay to lead and control the Republican organization, and to convert it to their own uses. I make no doubt, from this beginning,

that we shall hereafter be entertained with new editions of the Rochester speech from the same distinguished author, reading us the second lesson, which treats of homogeneousness of material as a necessity to the vitality of systems and States. Under this view, it may be as well to reply at once to the whole theory of the Senator from New York, and to embrace in one speech all I have to say about the policy of maintaining a political organization upon the bases proposed by him and offered here to public discussion by the members from Maine and Ohio. I confess that I am not discontent that the occasion has been presented for a public debate, in which the schools of American politics may be classified and arranged intelligently for popular examination, and the lines which divide them may be clearly defined; so that, men, who have principles, may see the policies which are suggested and the courses which are to be pursued. They may thus, at last, learn to stand by their principles, and come up to a patriotic discharge of their duty.

I shall offer no apology for any want of polish that may appear in the preparation of my remarks upon this occasion. I shall not study antitheses, weigh phrases, or cull poetry to adorn the presentation of my views. I want to reach the hearts of my countrymen; and I know the easiest way to my object is to speak with the simplicity of truth and the directness of candor. My only aim is to bring their minds to the earnest contemplation of the future which awaits the country, and to urge them to avoid the calamities to which we shall be subjected if they lend willing ears to unwise councillors, who fail to present and do not promise to pursue any scheme of practical statesmanship.

I shall address myself in the first place to the people of the free States. I am not of the class the gentleman from Maine calls "the Slavery propaganda!" I am a citizen of a slaveholding State, was born and reared where the institution of Slavery exists, and I have noted well the workings of the system upon the social and industrial habits of the people among whom I live. I am not exercised about the extension of Slavery. I would not legislate affirmatively to compel its extension, any more than I would to prohibit it by legal enactments. I am one of those who believe that more harm than good has been done by agitations upon this subject, and that the continuance of such agitation, both North and South, can produce no other effect than to alienate from each other people who should be united, and to jeopardize institutions which secure to the people of this country a larger share of liberty, political equality, and freedom in the pursuit of happiness, than has been granted to any other community. I would not re-open the slave trade with Africa; on the contrary, I should oppose that proposition with whatever influence and talent I possess; and there does not live in the free States a citizen who would discountenance infractions of the policy which forbids that trade sooner than I would, or press the sanctions of legal penalties for a violation of the laws upon that subject further than I would.

It were useless to discuss the oft-mooted question whether Slavery is an evil. My observation of its effects upon society has brought my mind to the conclusion that benefits spring from it, and some evils follow in its train. But this speculative theorem has nothing in it of the

practical, with which the American statesman, in my opinion, can deal. There should be some limit to agitation which disturbs society, by constantly seeking a disarrangement of the bases on which it rests. The people of the free States, when once convinced that no practical benefit can flow from the efforts of men, who, professing philanthropy, in fact seek political power, and the gratification of personal ambition through the instrumentality of such agitation, will surely withdraw from this class their countenance—at least so far as to direct them to some other means of becoming famous than at the expense of the peace and harmony of the Government under which we have lived and prospered together for nearly a century. With this introduction, I enter upon the argument.

The following propositions characterize the speeches to which I am replying, to wit:

The great problems to be solved under our system are—

1. Whether our Government shall be a confederacy of republics, or of oligarchies—of democracies, or of aristocracies.

2. Whether the States shall advance under the bounding spirit of Freedom, or languish under the blighting influences of Slavery.

3. Whether we shall reduce the Declaration of Independence to a practical governmental truth, or leave it to fill a niche in the temple of political philosophy, merely.

I ask my countrymen to examine for themselves how the decision of either or of all these theorems is to be attained in practice, and, if attained, how can it affect their country in its career? When gentlemen characterize the slaveholding States as oligarchies rather than as republics or democracies, this epithet is applied with intent to obtain a leverage on the minds of the laboring masses of the free States, *by producing there discontent*, and through that discontent, either to urge those masses to interfere with “these oligarchical institutions” of the slaveholding States despite constitutional obligations, or to assume an exclusive control over the destinies of embryo States, that may become hereafter members of the Union. The first of these objects politicians emphatically deny. They say, on the contrary, *they would protect the right of the master in the States where Slavery obtains*. As to the second, they admit that, being opposed to the extension of Slavery in the Territories, they feel that everything in the power of the people of the free States should be done to prevent that extension.

I know the people of the free States do not like the system of Slavery; I know they are opposed to an extension of Slavery. I neither seek to change their opinion, nor to prevent its free expression. But just at this point, let me ask, have the people of the free States the *power, through Congressional action*, to prevent the extension of Slavery to the Territories? This question is one, not of negrophilism, but of constitutional right and political expediency. It is not to be fairly decided by mere impulse of feeling, but its decision rests on the constitutional sanctions under which we live, and upon which the States and people of this country have established their political relations to each other. It is not a question of ethics or philanthropy, but one of political rights and power only. Now, I ask my countrymen of the free

States if this question has not been heard and decided often enough to be considered settled?

It was decided in 1850, by the legislation of that date, after a struggle of three years. It was decided in 1852, by the Whig and Democratic parties voluntarily adopting, in national conventions, resolutions to stand by the principles of the compromise of 1850. Southern men seem to have thought they were again deciding this question when they voted for the Kansas-Nebraska act in 1854. Northern men who voted for that act were willing to regard it as a *judicial question*. How far the right to carry a slave into a Territory extends, has been since *judicially* decided by the highest constitutional tribunal we have.

We are told that the Dred Scott case has been misinterpreted; that this point was not before the court; what the "slaveholding judges" said was mere *obiter dicta*; and, finally, that the political power of Congress cannot be controlled by a co-ordinate department of the Government. But these exceptions to the opinion will not avail. The Supreme Court is a *constitutional* tribunal, to last as long as the Government of the United States; and it has pronounced its opinion on the point in question, not only unmistakably as a court, but with such force in the separate opinions of its members, both from free and slave States, that there is no longer any doubt of the views of the tribunal. The decision of that court is the supreme law until it shall be reversed.

The American party placed its *dictum* also on record, through its national council, against the continuance of this agitation.

How can a point be settled, if this has not been settled? I present the action of *Congress*, whereby this asserted power was repudiated and its exercise refused. I present the action of *the people* through national conventions, endorsing, accepting, and guarantying this Congressional decision, and pledging the country to stand by and sustain it. I might cite a later case, in which men of all parties came together to vote for the Crittenden-Montgomery amendment—a bill drawn upon the principles of the legislation of 1850—which commanded the majority of this House at its last session. After so many and so often-repeated declarations of tribunals, courts, Congress, and people, what must we think of the pertinacity which now seriously proposes "to fight our battles o'er again?" I respectfully submit to the people of the free States, that it is an overdraft upon their prejudices, which should be protested by their patriotism and intelligence.

It is nothing more nor less than an effort to *abolitionize* the Republican party; for it places in their mouths new dogmas of the most radical stamp, far surpassing anything that party has heretofore professed as cardinal. Sir, we were told, two years since, at least by the Americans who were then acting with the Republican party but claiming to be Americans, that the mission of the Republican party would be ended when the destiny of Kansas should be settled; that it originated in, and was limited to, opposition to the introduction of Slavery into Kansas. This was its only purpose. Because the people of the free States were indignant at the repeal of the Missouri compromise act of 1820, they then determined Slavery should not make any advantage from a proceeding which they deemed aggressive and marked by bad faith.

Now, the destiny of Kansas is sealed ; the Republican organization has no further mission to perform, consistently with the design in which it originated. Men have now an opportunity to halt, and to take a new observation. At this point of time and opportunity, I address myself to the Americans of the free States particularly, under the hope that they will seriously consider *their* duty ; and that they will now choose definitely between the conservatism of Americanism and the radicalism and abstractions of an abolitionized Republican organization. Heretofore, I have understood their position, and the tendencies which controlled them. I could easily comprehend that a man, professing all the material tenets of the American doctrine, at the same time felt all the opposition to the repeal of the Missouri compromise act, which was so general a sentiment among the people of the free States. I can see how such a man, adhering to the American cause, thought there was no inconsistency in maintaining the other proposition likewise. I can understand how he became committed to a current whose velocity he could not resist, and whose direction he could not control, until he stood before the country apparently so Republicanized that the light of his Americanism shone as a farthing candle only, compared with the intensity of his Republicanism. But, sir, the vote of Kansas on the Le-compton Constitution has settled all doubt as to the will of the Kansas people. Hereafter, no party, and no considerable body of any party, out of Kansas, will seek to interfere in the disposition of the Slavery question by Kansas. The will of the Kansas people will be carried out, and Kansas will come into the Union, as a State, under such Constitution as shall express the voice and command the acquiescence of the people who are to live under it. That contest is closed ; even the distinguished Senator from New York announces that it is closed ; the leading Democrats of the South recognise it as closed. I hope I may be pardoned for an expression of my own thankfulness that it has been so settled as to vindicate the great principles of non-intervention and popular sovereignty, which were canonized by the legislation of 1850.

In this exigency, what should become of the Republican organization ? If the avoidance of Slavery extension to Kansas, because that would have been violative of the provisions of the Missouri compromise act, was the sole cause of the origin of that organization, shall it cease when its real mission has been fulfilled ? Or shall it erect new altars, before which its members shall be called to worship ? adopt new banners, which its masses shall be required to follow ? The latter course is palpably the determination of those with whom the gentlemen from Maine and Ohio act. And that determination on their part is a summons to all the Americans of the free States, and to all conservative men of the free States, to choose now between a political array guided by these leaders, upon mere abstractions, to radical sectional purposes, and to ultimate overwhelming defeat, and that moderate practical school of politics which seeks harmony between the different sections of the Republic, by recognising the rights of all sections, and by working for the general good with a patriotic zeal, that comprehends the interest of each part of the country as the greatest good of the whole.

The theory of the Senator from New York may be summed up thus :

1. Slaveholding States are oligarchies, and, as such, are not consistent with that republican equality which should exist between men who live under democratic institutions.

2. Slaveholders, being oligarchists, prefer an aristocracy to a democracy, and their efforts in the history of the Government of the United States proving them to be aggressive, cites all who love democracy rather than oligarchy and aristocracy, *to present an opposition to slaveholders.*

3. History and example prove that there must be homogeneousness of labor in a country governed under one political system; therefore, *we* must ultimately all be free, or all be slaves; and this fact being accepted as axiomatic, the corollary from it is, that all free people in the free States should unite in one effort *to put down slaveholders* in this Government, or, at least, to assume control of its policy and future destiny, regardless of the views, interests, or wishes, of slaveholders.

4. There being no sentence in the English language it would be politic to employ, showing exactly the result to flow from the practice upon the foregoing political views and purposes, we had best rest the new organization on the general principle, "all men are created equal, and 'are endowed by their Creator with certain unalienable rights, amongst 'which are life, liberty, and the pursuit of happiness."

This will be like Napoleon, who "assumed the empire to protect the liberties of France." Now, I respectfully submit to the people of the free States, that these propositions disclose an intent to practice, under a vague generality, upon a theory of absolute hostility to Slavery as it exists in our country, which is at war with the compromises of the Constitution, the character and original basis of the Government of the United States, and which can by possibility prove successful only upon a dismemberment of the Union, and the ruin of that political edifice which was constructed by our forefathers for the benefit of their posterity. I need not multiply words to exhibit the character and purpose of this school of politics. It is exposed as plain and undisguised abolitionism by the very statement of its own dogmas. It is the abolition element of the Republican party seeking to lead and control that organization to its own purposes, and, under its name, to revive and pursue a theory heretofore repelled and repudiated by the good sense and patriotism of the people of the free States.

The answer to this whole theory may be briefly summed up thus: our forefathers, inhabiting the British colonies in America, by common effort, achieved independence and formed a Confederation. In most of the colonies which then combined, Slavery was *an existing fact*. In the subsequent establishment of the Government under the Constitution of the United States, this fact was left where it was found, to be controlled by the separate municipalities in which it existed; no further note being taken of it in the Constitution, than the provision touching the extradition of fugitives from service, the power to repress the slave trade, and the representation accorded to three-fifths of the colored population. This last provision was a compromise made by slaveholders with statesmen from the North, who insisted upon the representation of the whole of that population. The explanation of this effort on their

part is found in the single fact, that representation and direct taxation were established as correlatives by our Constitution, and the Northern statesmen of that day were solicitous to expose as large a surface of their neighbors as possible, to the burden of maintaining the Government. The practice of supporting Government by a tariff of duties on imports shut off the slave population from a direct taxation upon their value, and left in operation only their political representation; a result which, examined alone, seems to leave no corresponding equivalent to the North, but which has in fact secured fortune and power to that section, through the encouragement given to mechanical and manufacturing industry, which has found its permanent home in the midst of the North, under the well-directed energy of that people.

When gentlemen from the free States at this day criticise the institutions of the slave States as oligarchic or aristocratic, will they answer if they are more so now than they were when the Confederation existed, or when the Constitution was adopted? And if, finding fault with these features, they would make them cause for a crusade against slaveholders, will they not admit that their position invokes a censure upon those men who, in the ancient time, entered into those constitutional obligations with these oligarchies, that established the very relations which exist to-day? How can those relations be changed without disunion, or usurpation of power within the Union? If these men will avow disunion as their purpose, the patriotism of the people of Maine, even, will soon dispose of their theory and of them. If they will avow usurpation of power contrary to constitutional obligation, will not the people whom they address spurn their counsels and maintain their own plighted faith to brethren and countrymen? There is no concession in the Constitution by which these gentlemen, or their constituents, can legitimately interfere with the institutions of a State which are republican in form, or in any manner control a State in the adoption or rejection of a given system of domestic labor. They declare that they do not seek to interfere with Slavery in States where it exists—that *there* they would extend to it all the protection secured by the Constitution. They aver that they only seek to prevent its extension to *Territories*. The argument already adverted to proves that this proposition is itself a suggested usurpation of power not conferred on Congress. I have already cited to this point the results of several contests—contests in which these very leaders were actually and actively engaged, *and in which they were defeated*. Their theory has been rejected, not only because it recommends usurpation, but it has been condemned by men who refuse it on grounds of State comity and general political expediency.

There is another consideration bearing on this view of my subject, which, of itself, should secure the rejection of this theory, and which exposes it as a mere abstraction seized on by politicians fatally bent upon mischief. Our country has extended from east to west, until its boundaries in that direction rest upon the Atlantic and Pacific oceans. The States of California and Oregon have determined against the introduction of Slavery into their borders. Minnesota has rejected it. Kansas has also substantially settled the question for herself. Texas has already determined its future, by the voice of her people and the

resolutions of annexation. The Indians own and occupy the region between Kansas and Texas. Utah and New Mexico were created by the act of 1850. In the case of Utah, I well remember the Wilmot proviso was offered to the bill as an amendment, and received only some forty-eight votes. I cite this fact to show that, after the passage of the New Mexico bill in 1850, with the guarantees it contains, there was but an inconsiderable number of Representatives here, even from the free States, who continued to urge the power of Congress which the gentlemen claim, and the expediency of its application to Utah. In the free States, who that ever professed that ardent love of the Union which should distinguish a genuine American, will to-day or hereafter join a crusade whose professed object is to pull down and to tear away the principles which were established in 1850, and which constitute the chief glory of that conservative Administration which, under the auspices of Fillmore, and Clay, and Webster, assisted by the patriotism of Dickinson and other Democrats, gave peace to a distracted and divided country?

I have adverted to the political status of the Pacific slope, to that of Texas, Minnesota, Kansas, Nebraska, and the Indian Territory, and to the guarantees to New Mexico and Utah, contained in the act of 1850, to bring before the popular mind the fact that they cover every inch of territory within the present boundary of the Union, except that inconsiderable section embraced by the Gadsden purchase, known as the Mesilla valley. Having no further power of continental expansion in an eastern or western direction, let us look to the north and south. Passing the present cordon of free States, we find the whole north in the hands of Powers quite able to hold their possessions, and a climate, too, entirely uninviting to the establishment of Slavery. Any professed expectation of its spread thither will be condemned by ordinary intelligence as entirely apocryphal. Looking to the south, we find a people of a different race from our own, involved in anarchy and civil wars, and unable to respond to any national obligation. We find a climate and productions where Slavery might be advantageously employed in the development of the resources of the land. Should it be the fate of our country to be compelled to absorb a portion of Mexico, or even the whole of it, there is no probability of its being done at an early day. When it is done, shall we be told by the people of the free States that *they stand on guard* to prevent the *States*, in that direction, from introducing Slavery, if the people inhabiting them may desire to do so? Why, even these advocates of the theory of the Senator from New York do not pretend to control the action of *States*; and whenever any part of Mexico enters our system, it will be absorbed *by States*. The idea of a protectorate over a part of a State, which the President has advanced, implying, as it does, paralysis to the administrative functions of the State, will never obtain. But if those States come into our Union, it will only happen when they come, as Texas did, with institutions already organized, *upon the character of which no question can arise here*.

Looking, then, at our present condition, and our capacity of future expansion, I respectfully submit that *there is no excuse for the renewal of Slavery agitation*. This country needs no legislation about Slavery.

The power of Congress requires no assertion on this distracting theme ; because the guarantees of existing law are already applied to every foot of ground within the present boundaries of the Union. Where will these Republican leaders find territory on which to make tangible application of their peculiar dogmas ? If any such place exists, I appeal to the Democratic party, which now holds the power, both in this and at the other wing of the Capitol, to bring forward bills at once to establish Territorial Governments therein, consistently with the principles which have been decided heretofore in this forum, and in the judicial department of the Government ; principles upon the preservation of which alone, I do honestly believe, the harmony of the American Union can be preserved. I wish that the sluices of possible future agitation may be closed, and that the bitter waters of sectionalism may be stayed forever.

Mr. Chairman, I have nothing further to add, in order to attest my steadfast opposition to the dogmas asserted by those to whom I have been replying ; nothing which *could* point out more clearly than what I have said, the broad and salient fact that there can be no coalition between the politicians of that school and men who think as I do. When the gentleman from Maine abandons his obnoxious abstractions and sectional views, and shall be ready to march upon a platform of broad, Union-loving, and practical statesmanship, that shall discard negrophilism, and exhaust its benevolence and its wisdom in some effort to restore the country to prosperity, and to serve the interests of the white men who inhabit it, we may combine ; but on his idea, resistance will last while I live.

The gentleman gave me to understand, that, if we could not stand by the Republican principles, as he expounded them, Maine, and New York, and other States, would go into the possession of the Democratic party. Sir, I have long suspected there was but a single point of difference between Republicans like the gentleman from Maine, and the Democrats. He confirms my supposition by the declaration that, if an opposition cannot be framed upon the ideas announced in his speech touching Slavery, we may expect an exodus of his whole tribe to the Democratic party. This means, I suppose, that on this question of the power of Congress over Slavery alone, they differ ; or, at least, that if the Republicans cannot win power on their own basis, they consider the present Democratic party their next best chance. I cannot contradict the gentleman, nor dissuade him from his inclinations. I can only say to him, that not even such a misfortune as a painful separation from him, can produce a modification of my principles ; and when he arrives in the Democratic camp, I can only wish the leaders of that organization much joy of the acquisition of a new patch to their political quilt, which already exhibits nearly every color of the rainbow.

The gentleman from Maine denounces an opposition to Democracy based upon any other theory than his own, as " a contrivance which would go to pieces immediately on being launched by the American people." He proposes, more sensibly, I suppose, to administer the Government of this country upon the single principle he has announced, being the first sentence of the Declaration of Independence, accompanied by a

running commentary upon the wickedness of African Slavery. When the American people install an Administration upon his idea, there will be very little chance of its failure by a quarrel over the spoils ; for there will be none to administer ; more likely an opportunity of “ lashing Southern men into the Union,” as has been promised among the interesting exercises of such an occasion.

Mr. Chairman, I think that I do not estimate improperly the great volume of American sentiment. I have seen the political storm blowing with fearful violence before to-day. I have seen the gentleman from Maine, and others of his peculiar school, marshalling their hosts to the struggle over these same issues, and I have seen them fall back, beaten, discomfited, and overwhelmed. They never fail to claim everything ; they seldom win anything by their own unaided force. In the elections which transpired last fall, they claim the return of a large Republican strength ; whereas, I understand the fact to be, that a large proportion of the returns belong to the exertion of more conservative men, and will come here to represent more conservative and practical principles than those enunciated by the members from Maine and Ohio. It will remain for the opening of the next Congress, to determine the extent to which the Republicanism of the gentlemen will exert a power. I predict that it will never repeat the success which once it achieved in this Hall, by reason of the course pursued then by the Democratic leaders. I cannot bring myself to the belief that the party to which the gentleman would yield the lead of the Opposition, numbers more real strength to-day, than when it supported Mr. Hale for the Presidency.

To exhibit this fact, no more is wanting than that the Americans and conservative men of the free States, who do not intend to be led into another sectional contest, and who do not desire to roll this stone of Sisyphus forever, shall take their proper position, renew their devotion to principles which demand adoption for the good of their country, and refuse hereafter, calmly and steadily, to fuse with any and every species of radicalism. The first thing to be done—the first step to be taken—must be taken by the people at home. They should meet in primary assemblies, confer freely with each other, sift and examine the proposed bases for future action, select, each man for himself, the principles of administration he is willing to espouse, *and then stand by these to the close*. If a conservative national ticket can be formed, which will represent the idess that succeeded in 1850 in quieting the agitation of that year, and which were so well received by the whole country last year, because they were built upon the same sound and national basis, then there will be room to hope for the return of this country, from its present awful condition, to an era of well-regulated prosperity ; but, on the basis of the gentleman from Maine and the Senator from New York, there is no reason to hope ; and, indeed, it is creditable to the good sense of the country, that there is no room for hope.

Why, sir, is it not shocking to hear a sectional contest for the Presidency deliberately planned and proposed in this Hall ? What must be the hallucination which conceives that the American people will, in cold blood, divide themselves by a sectional line upon a sectional question, having nothing practical in its issue, and no foot of ground in the

Republic on which an application can be made of the result? It is a mere abstract dogma; a dead and extinct dogma; a dogma that cannot be reduced to practice in American statesmanship, that these gentlemen advocate as a basis of organization. Suppose they were indulged, do they not know that in fourteen, if not fifteen, States, they could not find supporters enough to muster an electoral ticket? Ah! they reply, what care we for that. I know not what *they* care; but I ask my countrymen of the free States, if *they* should not have a care and avoid the poisoning a Presidential contest upon such points as will justly alarm a whole section of the Confederacy for the security of its rights and property? We hear these gentlemen say they do not intend to strike *at Slavery in the States*. What, then, does the *rationale* of the argument of the Senator from New York mean, when he teaches that in this country we must all be free or all be slaves? that we must be reduced practically to a homogeneous basis, and have but one system of labor? What should the people of the slaveholding States understand by it, were their countrymen of the free States to go to work deliberately to elect a President upon a basis like that suggested by the Senator from New York? Sir, they could have but one understanding of its meaning. They would be forced to the unwilling conclusion that superior numbers, greedy and avaricious of power, had enlisted in a crusade against their constitutional rights, and had determined upon an administration with a view to hold them, if not in absolute duress, at least with the sword of Damocles suspended over their heads. Thus forewarned, they might not abide the torture of suspense, and they might sever relations which no longer preserved even a decent semblance of political equality.

It is because I feel an abiding assurance that the masses of the people in the free States do *not* desire to afford, by their action, any *just* ground for alarm to their neighbors and countrymen, and especially when they can effect no purpose thereby, unless it be to exhibit a hostility that can find no constitutional channel for expression, that I announce my conviction here to-day, that the new party, which the gentleman from Maine will be able to lead into the field under the banners of the Senator from New York, will not be much, if any, larger or more respectable than the old Abolition party, as it existed in 1852. Other men will decide that the mission of the Republican party ended with the Kansas imbroglio, and that the vote on the Crittenden-Montgomery amendment—the last and noblest act of its career—pledged them to the principles of 1850, by which, for the sake of the Union, they will hereafter steadily abide.

I was not much surprised, Mr. Chairman, to hear the intimation from the member from Maine, that when, from any cause, Congress could not conveniently apply the Willmot proviso to the organic act of a Territory, his party would next rely upon the Territorial people to apply it themselves by Territorial legislation. This is the easy and natural gradation. This second mode of affecting the rights of slaveholders in the Territories is of Democratic origin. I remember that in the canvass of 1856 I denounced this *squatter sovereignty* as being in all its practical bearings as hostile to the fair enjoyment of the rights of the slave-

holder in the Territories as the Wilmot proviso. I remember to have said, that if the Kansas-Nebraska bill received such a construction as to authorize *this* idea of "popular sovereignty"—and it was *this* to which Mr. Buchanan pledged himself when adopting the Cincinnati platform—I would not give "the toss of a copper" between him, as the embodiment of this idea, and Mr. Fremont, as the embodiment of the idea of "Congressional sovereignty," applying the prohibition through the Wilmot proviso.

This frank remark was repeated from Lexington to Louisiana, by the members of the Democratic party, as something *perfectly heretical*; and had I belonged to the Democratic church, I suppose I should have been excommunicated with as much facility, for such an objection, as the distinguished advocate of this idea of "popular sovereignty" has been, within the past year, for adhering to the idea. After the Presidential election, it was confessed on that side of the House that the Kansas-Nebraska bill did receive two constructions, differing at the North and South, but Southern Democrats declared that *the difference was "immaterial."* In the midst of that discussion, the honorable member from Tennessee [Mr. JONES] came forward and made a speech in advocacy of the idea which has been since so much denounced by Southern Democrats; yet I see he holds his place in the very empyrean of Democracy. I then presumed, from the facts exhibited and the wide latitude for differences of opinion given in that party, that it was probably true that the whole party concurred in the declaration to which I have alluded. Testimonies of like character have since been afforded by other leaders of that party, engaged in the actual Administration, which serve to confirm and strengthen the opinion, that *in the Democratic party differences of opinion are immaterial.*

When the member from Maine announces that *his party* deems this squatter sovereignty the next best abolition specific to the Wilmot proviso, I suppose his other declaration should not excite so much surprise; to wit, that if Maine cannot have *his* idea as the basis of organization against Slavery extension, she will throw herself into the arms of the Democracy *upon the squatter-sovereignty* idea, as the next best chance of affecting Slavery in the Territories adversely. I am still of the opinion that there is not room "for the toss of a copper" between squatter sovereignty and a Wilmot proviso; or, to speak more plainly, between Territorial prevention of *enjoying* a right, and the Congressional prohibition of the use of it. And it does seem to me that a party containing elements both for and against *this* idea of popular sovereignty, cannot be firmly attached to any particular set of opinions on the subject, or must have a capacity to admit into its organization every variety and shade of opinion. Can it be there is nothing material in the difference of opinion upon this point between Mr. DOUGLAS and Mr. DAVIS—the one holding to the doctrine of his Freeport speech, and the other denouncing it as fatally heretical?

There is a looseness of thought on this point which in my estimation is remarkable. A gentleman insists on the doctrine of non-intervention by Congress in the affairs of Territories, and lauds this principle to the skies. Here he parts, *toto cælo*, from the member from Maine, who

insists on the right of Congressional intervention in the affairs of Territories. He establishes a Territorial Government *by Congress*. He insists that under such a Government the Territorial inhabitant may legislate upon every subject, limited only by the Constitution; and that, within this range, he may legislate, not to exclude Slavery, but to prevent the master from enjoying the rights incident to his relation of master. He thus "holds with the hare and runs with the hounds." He is against the views of the Northern Free-Soiler, yet reaches the same result by a different process; he is with the slaveholder, yet cuts him off from the enjoyment of the rights granted to him. The error of this construction of powers is exposed by the very fact that its premises and conclusions are inconsistent with each other; that it offers a theory one way, and reduces to practice another way. It is high time we had reached tangible, solid ground on this point. I hold the doctrine enunciated in 1850, which was heralded to the world as the true policy, by Clay, Webster, Fillmore, Dickinson, and their collaborators. It is this: the General Government, being one of derivative powers only, will not interfere or intervene to shape the destiny of the embryo States of the Union; there shall be no central influence exerted by it to invite, or prohibit, or hinder, any particular system of labor or any sort of political institutions in the Territories, further than to see that they are republican in their form, upon the admission of the State into the Union. It will confine itself to the honest exercise of the agency delegated to it for the common benefit of all the principals under whose power of attorney it acts. That power of attorney is the Constitution of the United States, which expresses the grants of power to the agent and the prohibitions, and the Government must keep within the limitations expressed, or implications necessarily springing from what has been expressed, to carry out that which is within the object of the expressed grant.

2. Perfect freedom in the several local *sovereignties* to manage their own affairs in their own way, provided the right of conscience is left free, and the form of the Republic is preserved, is guarantied by the Constitution.

But the Territorial Government is in no sense a *sovereignty*. It derives its life and being *from Congress*, and is incapable of exerting a power incompatible with the duties belonging to Congress under the Constitution. It is plain Congress cannot delegate what it does not possess, and that the creature cannot perform what was denied to the creator. Congress institutes the Territorial Government; Congress defines and limits its power; Congress is bound by the Constitution, and may give to the Territorial Government all the power to do for the Territorial people whatever Congress could do. It is plain Congress can extend the grant no further. If Congress cannot prevent the slaveholder from going to the Territory with his slave—and the Supreme Court says it cannot—then Congress cannot make a Territorial Government, and endow *it* with the power to prevent him. If Congress cannot affect the right of the slaveholder after he reaches the Territory by "unfriendly legislation," then Congress cannot create an instrument by which the same thing can be rightfully done; and any attempt to do it by such instrument should be controlled and thwarted

by Congress in the fair and just administration of its own duty. It results from this view, that Congress should preserve a constant supervision of the Territorial legislation, and that, whenever that legislation travels beyond the proper limitation of Territorial power, Congress should abrogate it.

I have heard it frequently asked, "Does an American citizen lose his rights by becoming an inhabitant of a Territory?" I answer, that the Constitution of the United States guaranties to him his right of conscience; the free exercise of his religion; freedom from arrest, unless by warrant of law; the writ of *habeas corpus* and trial by jury. These are of his constitutional rights, of which he can nowhere be deprived. But when he enters a Territory, over which a Territorial Government has been instituted by Congress, his political rights—his right of participation in legislation, and the limitations on the extent to which he may exercise that right—depend entirely upon the nature and organization of that Territorial Government, which is *his Constitution, pro hac vice*. What would be thought of a man talking of the exercise of *his rights* in Virginia, contrary to the Constitution of Virginia? Or of one who would talk about "his rights as an American citizen," who enters a bank corporation, where his powers and responsibilities are defined by a legislative charter? The Territorial Government is nothing but a legislative charter. It need not conform to the idea of popular participation in the legislation of the Territory. Instances are repeated in our history, where it has departed from this idea—as in Michigan and in Indiana. I think it best, when no paramount objection exists, that Congress should allow the Territorial people the widest range of power in matters concerning themselves alone; but this is necessarily within such boundaries as limit Congress itself, and must not be incompatible with the duty Congress owes to the members of the Confederacy.

If these points are well taken, there can be no true foundation on which to rest the doctrine of "popular sovereignty" in the Territories, according to the view of that subject taken by the Senator from Illinois. The Territorial people may be wayward; they may be "unfriendly" to this or to that system; but at least Congress can repress their efforts to do wrong, and may abrogate their legislation, where it infringes upon rights which Congress cannot invade.

The people of a Territory, in forming their State Constitution, have the unqualified right to admit or to reject Slavery, and they should be admitted into the Union without question as to the manner in which they have exercised this right.

This, Mr. Chairman, is a full view of my opinions, both upon the Wilmot proviso, which I reject, and on squatter sovereignty, which I reject also, and on the principles of the legislation of 1850, on which I have stood for years—indeed, through my whole public course. I occupy different ground from that maintained by either the Senator from New York or the Senator from Illinois. My view invests Congress with all the power delegated to it by the Constitution, and admits the right of Congress to delegate the trust to a Territorial Government, Congress remaining the constant supervisor of the action of such Government. It reserves all the rights of the States and the people. It

denies the power of the squatter to take unbridled license over the rights of citizens, yet owe no responsibility anywhere. It holds comity between all the people, regards and preserves the rights of all sections, and maintains those balances which are essential to the efficacious operations of our political machinery.

I have said that I do not think there is any necessity for renewed agitation of questions affecting Slavery. The existing status of the law, and legislation on the subject, satisfy me; and in the future I mean to abide by the principles already decided. I do not ask a man to say he likes the Dred Scott decision, or that he believes it is right. I ask him to obey it until it shall be reversed, and not to make war upon rights which are decided to be mine by the competent tribunals. I am asked why I fix the period of framing the State Constitution as that at which a citizen may exercise rights I deny to him while in the Territory. I answer: when the people of a Territory come to the formation of a State Constitution, they are not acting under the Territorial Government; they do not derive their power from Congress; they are American citizens (or should be) with all their rights as members of an original society, forming a social and political compact with each other. Therefore it is that at this exact period we say they have the right to form institutions to suit themselves. They are not now fettered by modifications of political right; they are now free and sovereign.

Whether the State can be established or not, depends on the assent of Congress, given either precedent or subsequent to the formation of the Constitution. Why is the assent of Congress necessary at all? Because a Territorial Government established by Congress *has possession of the place on which the State is to arise*, and because a State and a Territorial Government cannot both be in possession of the same place at the same time. If Congress does not assent, the State must continue in abeyance, or it can only be established by revolution. Let me illustrate by one or two references. Congress would not establish a Territorial Government in California; the military intendant gave way; *the State* was immediately established. At Topeka, an assemblage formed a Constitution for Kansas; Congress would not give up the Territorial Government; *the State* could not be brought into existence. At Lecompton, another effort was made, and Congress consented to take away the Territorial Government *upon a condition*; which not happening, *the State could not arise*. When Congress gives its assent precedent, as by an enabling act, the State comes into existence on the instant; because the consent of Congress has already paved the way for the State.

I have gone far more into detail than I should have done, to elucidate my views upon these questions of power, because I hope to point out to the people the material differences existing between the political parties, and the differing practical results which must flow from an adoption of one or the other of them. On the one side, I resist the extent of power claimed for Congress by the Northern politicians of the school of the Senator from New York; on the other hand, I resist the loose construction of powers advocated by the Senator from Illinois, which takes me from the jaws of one beast, only to deliver me to another still more voracious. I would rather trust my fate to a regular tribunal than to a mob. I would as lief die under the despotism of a tyrant, as under

the heels of an anarchical multitude. I prefer to follow Clay and Webster and Fillmore, and to find my views sustained even by *obiter dicta* and extra-judicial opinions from so august a tribunal as the Supreme Court of the United States. Mine is the safer path to follow. Twice, a resort to the principles I profess has calmed the storm. Under this breakwater, our good old ship of State lies at her moorings safely and snugly; under any other management, she is exposed to the beatings of the billows, and her glorious old timbers creak from bowsprit to taffrail. Give us peace, Mr. Chairman; give us harmony; and give us the Union as our forefathers transmitted it. We know how to secure all of these blessings to ourselves and our posterity. If we are so mad in the race of partisan politics and sectional prejudices as to throw them away, the impartial pen of history will record of our country and ourselves, that the prize of priceless value to mankind was lost by degenerate sons of noble sires.

But let me address one other observation or two to gentlemen in all sections of the Union, before I take my seat. Have American politics dwindled to this little measure, that they present nothing else worthy of consideration except Slavery and points touching Slavery? That question has absorbed our attention for nearly a quarter of a century; and let me ask, in all kindness, what good result has been accomplished by it? Are we more philanthropic than were the men who preceded us? Have we stricken the shackles from a single slave? Have we reformed the views of the people anywhere? Has either section of the Union won any trophy, of the slightest value, out of this protracted contest.

Ah! Mr. Chairman, look upon our country! Blessed with an extent of soil equal to the area of all Europe, of unsurpassed fertility, of unequalled salubrity, tilled by a hardy yeomanry, and an intelligent gentry whose energies are daily applied with skill and industry; with a mechanical class, whose hardy arms and inventive brains have pressed us forward in the great race of improvement to a point beyond which we have *none* ahead of us; with a commercial class inferior to that of no other country for tact, vigilance, punctuality, and powers of combination; with a navigating class who ride the ocean with a daring, and who keep ward over their trusts with a fidelity, that knows no fear nor self-indulgence, why are we in our present condition? Look at the homes and faces of our people: they are happy, sir; yes, they are happy, and they are yet in the enjoyment of individual immunity from the misery which hangs upon us, as a people, like the pall of night. Our revenues are exhausted; our commerce languishes; our industry is discouraged; our debt has accumulated, and is accumulating; foreign Powers environ us by unfriendly policies; extravagance marks the path of our administrative career; our flag droops; the flame at our American altars flickers in the socket. I make no repraches. God knows, and we all know, where the fault is. The people know it, and *they* should demand a change of policy. All I ask of my countrymen is this: Have we not enough to inspire men of patriotic feeling in all parties to a united effort upon some national and patriotic basis?